

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the following remarks are respectfully requested.

This amendment re-introduces the claims canceled by the December 21, 2007 amendment.

During the telephone interview of December 21, 2007, the Examiner advised that if claims 31-34 were canceled, the remaining claims 1-8, 10-11 and 17-30 would be allowed. Subsequently, on or about December 27, 2007, the Examiner advised that while he had determined that the noted remaining claims were allowable over Verlag (XP '379), a rejection of those claims might be made based on GB 2324571. Therefore, on December 27, 2007, a response was filed presenting the arguments presented during the telephone interview and canceling claims 31-34, as the Examiner suggested, to secure withdrawal of the rejection based on Verlag. However, the Examiner then issued an Advisory Action on January 10, 2008, maintaining the rejection based on Verlag. Because, contrary to the representations during the telephone interviews, the Examiner has decided to maintain the rejection based on Verlag and because claims 31-34 were canceled solely because the Examiner had indicated that the remaining claims would be allowable over Verlag if those claims were canceled, the text of claims 31-34 has been re-introduced above as claims 35-38 so that they can be included in applicant's appeal in the event the Examiner does not decide to withdraw the rejection based on Verlag. Entry of claims 35-38 as a reintroduction of claims 31-34 is believed appropriate because, as noted, those claims were earlier canceled solely because of the Examiner's representation that the Verlag rejection of the remaining claims would be withdrawn if those claims were canceled. The reintroduction of claims 31-34 raises no new issues as they were previously considered by the Examiner and received an action on the merits.

The arguments challenging the Examiner's prior art rejection as set forth in the December 27, 2007 response are incorporated herein by reference. Previously presented claims 31-34, now claims 35-38, are also submitted to be patentable over the applied art. In this regard, although previously presented claims 31-34 were rejected as unpatentable over Isozumi in view of Verlag (XP '379), the Examiner has not clearly shown any reason to reject those claims with respect to the technical feature of these claims that "at a point in a flow direction downstream of the most downstream one of a plurality of holes" in the filter section, the tubular passage has a cross-sectional area which is equivalent to or smaller than a summation of the cross-sectional areas of all the holes of the filter section.

It appears in this regard that the Examiner did not carefully consider the limitations of these claims, which refer to the cross-sectional area of the tubular passage, not the cross-sectional area of "a hole" of the housing or "all portions" of the housing. Because these claims refer to the relationship or relative size of the cross-sectional area of the tubular passage downstream of the holes in the filter section (that is the passage defined around the filter structure) and not the rest of the housing, it is believed the Examiner's rejection of these claims was improper and the Examiner's suggestion to cancel the same in light of Verlag (XP '379) was not required.

Regarding the remaining claims, as previously noted, the drawing and description of Verlag (XP '379) are vague and the Examiner has yet to show any detailed correspondence between the elements of applicant's independent claims and the elements of XP '379. The Examiner's assertion that "the hole" of the nozzle necessitates that the total small hole section be larger than the largest section of the nozzle open space is not a reasonable interpretation of XP '379 and certainly not an interpretation that would be shared by anyone of skill in this art. In this regard, the XP '379 teaching of the small hole section being larger than "the hole" does not require nor in any way teach or suggest that the small hole section be larger than any other portion of the nozzle as the Examiner contends.

Also, the Examiner has suggested that the noted claim limitation is taught by GB '571 (2324571). However, the Examiner does not give any clear indication of the basis for this suggestion. In the event the Examiner is referring to the first paragraph of page 6 of GB '571, that "the entire orifice cross-section of all of the orifices, which are preferably through-going in the radial direction, is larger than or equal to the cross-section of the fuel duct", it is respectfully noted that the first paragraph of page 11 of GB '571 teaches that the "fuel duct" corresponds to the jet orifice 64 in the valve body 55. According to the specification of GB '571, page 7, lines 8-16, the valve needle 65 moves to open and close the jet orifice 64 (not labeled in the figures). Obviously, the jet orifice 64 in the valve body 55 is at the tip end of the injection valve on the lower side of Figure 5. Therefore, the "fuel duct" cannot correspond to the tubular flow passage defined by applicant's claims. Rather, it refers to the exit orifice of the valve body. No other description in GB '571 teaches or suggests the invention as presently claimed.

For all the reasons advanced above, and for the reasons advanced in the response of December 27, 2007, it is respectfully submitted that the prior art rejections of record cannot properly be maintained and any new rejection based on GB '571 would likewise be without merit. Reconsideration and withdrawal of the rejections of record is solicited.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Respectfully submitted,

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